

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of January 7, 2009.

Claims 1-8 are pending in the application. Claims 3, 4, 6, 8 have been withdrawn from further consideration. Claim 1 has been amended. No claims have been added or canceled. No amendment to the specification has been made. No fee is due.

Claims 1, 2, 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schlüter et al., of record, in view of MacDonald et al., of record.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schlüter et al. and MacDonald et al. in view of Dschen, of record.

Applicant has amended claim 1 to more clearly set forth the structural relationship between the housing, on one hand, and the traction motor and the grounding capacitor, on the other hand. Support for the amendments to claim 1 can be found, for example, in paragraph [0022] of the instant specification.

As admitted in the office action, Schlüter fails to disclose a capacitor connected between the motor and ground. MacDonald disclosed in Figs. 5 and 6 various capacitances between the motor components, such as rotor, frame, stator, etc., found inside the motor (these are spurious capacitances, and NOT capacitances intentionally placed). The present invention is directed to an intentionally placed capacitor connected between the motor housing (which is not galvanically coupled to ground); conversely, MacDonald is silent about the rationale and functionality of the (unlabeled) capacitor shown in Fig. 8b. Moreover, MacDonald advocates strong galvanic coupling (effectively zero resistance) between the motor housing and ground to overcome the detrimental current flow through the bearings which tends to damage and even destroy the bearings. While MacDonald may have been cognizant of the problem to be solved, he does not disclose having the DC potential between the motor housing "float" with respect to ground, and to only capacitively couple the motor housing to ground, as proposed with the present invention. For this reason, MacDonald actually teaches away from the approach of the present invention.

For the reasons set forth above, it is applicant's contention that neither Schlüter nor MacDonald, nor a combination thereof teaches or suggests the features of the present invention, as recited in claim 1.

As for the rejection of the dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

The Examiner is also requested to withdraw the election restriction requirement and to rejoin nonelected claims 3, 4, 6, 8 because these claims are dependent on a presumably allowable claim and thus require all the limitations of presumably allowable claim 1.

In view of the above, each of the presently pending claims in this application is considered patentably differentiated over the prior art of record and believed to be in immediate conditions for allowance. Reconsideration and allowance of the present application are thus respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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